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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,392	01/26/2001	Naoyuki Orii		4710

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/769,392	Applicant(s) ORII ET AL.	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)

1. Claims 1-3, 5-9, 11-15, and 17-25 remain for further examination.

The new grounds of rejection

2. Applicants' arguments and amendments with respect to claims 1-3, 5-9, 11-15, and 17-25 and request for continued examination (RCE) filed on September 30, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection. Claims 1-3, 7-9, 13-15, 20-22 were amended. Claims 4, 10, 16 were canceled. Claims 1-3, 5-9, 11-15, and 17-25 are pending.

Claim Rejections - 35 USC § 103(a)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. *Claims 1-3, 5, 7-9, 11, 13-15, 17, and 19-25 are rejected under 35*

U.S.C. 103(a) as being unpatentable over Martin, Jr. et al (U.S. Patent No.

6,363,419) in view of Glorikian (U.S. Patent No. 6,772,213).

5. Martin teaches the invention as claimed including a method and system for generating idle content to mobile devices and supporting interaction with content information (se abstract).

6. As to claims 1-3, Martin teaches a system distributing information useful in a specific area portable terminals, comprising: a means for registering in advance first information useful in the specific area, its distributing time and attribute information regarding each spot requesting its distribution (col. 6 lines 10-30; col. 11 lines 10-60, Martin discloses that content is stored that is based on user location and preferences); a means for registering in advance preference information regarding each customer (col. 6 lines 10-30, ,Martin discloses that content representing personalized information is stored for distribution to clients); means for perceiving a visit of a customer; and a means for distributing, when the specific area by distributing time comes, only the items regarding which the attribute information of the customer, out of the first be distributed, portable terminal perceived to be visiting said specific area and means for distributing second information, differing from said first information, to portable terminals of customers not perceived to be visiting said specific area (col. 6 lines 1-60, Martin discloses that other content is distributed to user's such as certain pre-specified events based on the area perceived to be visited by the portable; col. 7 lines 1-50; col. 11 lines 1-50, Martin discloses that content is targeted to client's based on interest and location of client).

However, Martin does not explicitly teach that the first information and the second information both relate to the specific area.

Glorikian teaches a system distributing information useful in a specific area portable terminals (abstract; and fig. 1), comprising: a means for distributing first information useful in the specific area to a portable terminal of the customer perceived visiting the specific area and distributing second information, differing from said first information, to portable terminals of customers not perceived to be visiting said specific area, wherein the first information and the second information both relate to the specific area (figs. 4-7; col. 9 line 37 to col. 10 line 33; col. 12 lines 21-45; col. 16 lines 10-38; and cols. 18-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Glorikian as stated above with the system distributing information useful in a specific area portable terminals of Martin because it would have improved indexing and searching services and also provided highly specialized information specific to needs and specialized interests of groups of individuals clients/customer.

7. As to claim 5, Martin teaches that the specific area shopping mall, said first information concerns an event, and customers are enabled participate in the event by responding through terminals (see col. 9, lines 10-40, Martin discloses that clients may interact with targeted content).

Art Unit: 2155

8. Claims 7-9, 11, 13-15, 17, and 20-22 represent method, program, and signal that are parallel to the system of claims 1-3 and 5. Claims 7-9, 11, 13-17, and 20-22 do not teach or define any new limitations above claims 1-3 and 5; therefore, they are rejected for similar reasons.

9. As to claim 19, Martin fails to teach the claimed limitation wherein the plurality of grouped storage media is divided into a plurality of segments, and each divided segment is recorded on one or another of said plurality of storage media.

However, "Official Notice" is taken that the concept and advantages of dividing the program into a plurality of segments, and each divided segment is recorded on one or another of said plurality of storage media is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by dividing the program into a plurality of segments, and each divided segment is recorded on one or another of said plurality of storage media for improved memory organization and access.

10. Claims 23-25 do not teach or define any new limitations above claims 1-3; therefore, they are rejected for similar reasons. Additionally, Glorikian discloses a server having a processor and teaches that the processor performs the steps of: registering, perceiving, and distributing (figs. 5-7; cols. 12 and 16-19)

11. *Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. et al (U.S. Patent No. 6,363,419) in view of Glorikian (U.S. Patent No. 6,772,213) as applied to claims 1, 7, and 13 above, and further in view of Baranowski (U.S. Patent No. 6,813,608).*

12. As to claim 6, Martin fails to teach the claimed limitation wherein the specific area is an amusement park said first information concerns congestion at an attraction site, and customers are enabled book for participation pertinent attraction through said portable terminals.

However, Barnowski teaches a system which allows mobile users in a specific location to initiate searches for particular products or services (see abstract). Barnowski teaches sending users near the location of an amusement park said first information concerns congestion at an attraction site, and customers are enabled book for participation pertinent attraction through said portable terminals (see col. 4, lines 45-50, 55-65; col. Col. 19, line 25-35, Barnowski discloses targeting information specific to an amusement park and allowing for booking and reservation).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin in view of Barnowski to provide targeted information concerning nearby amusement parks to enable better targeting of location specific advertisements.

13. Claims 12 and 18 do not teach or define any new limitations above claim 6; therefore, they are rejected for similar reasons.

Response to Arguments

14. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

December 22, 2005



BHARAT BAROT
PRIMARY EXAMINER